

### **REMARKS**

Applicant thanks the Examiner for the courtesy of a telephonic interview conducted on August 25, 2009 with Applicant's representatives, Thomas Engellenner and Reza Mollaaghababa. During the interview, Applicant's representatives discussed some of the claims amendments and arguments that they had presented in a response filed on June 17, 2009 to a final Office Action issued on January 21, 2009. The Examiner suggested potential amendments to certain claims. The Examiner's interview summary issued on August 28, 2009 provides details of the Examiner's suggestions. Applicant's representative agreed to consider the Examiner's suggestions and file a supplemental response, together with a request for continued examination (RCE).

As discussed in detail below, the present response incorporates many of the Examiner's suggestions and is believed to place the application in condition for allowance. More specifically, claims 40, 41, 45, 46, 61, 69, 70, 71, 72, and 73, are amended to more clearly define the claimed subject. Claims 50-59, 77 and 78 are canceled without prejudice in order to expedite prosecution. Support for the amendments can be found in the original claims, at col. 3, line 52 to col. 4, line 10 of U.S. Pat. No. 6,324,264 to which this application claims priority as a continuation application, and throughout the remainder of the specification. No new matter is added.

Various grounds of objection and rejection raised in the Office Action issued on January 21, 2009 are discussed below.

#### **Claim Objections**

Claim 70 was amended in the previous response based on the Examiner's suggestion to overcome an objection raised by the Examiner relative to this claim. As discussed further below, additional amendments are introduced to this claim based on the telephonic interview with the Examiner.

Claim 77 is canceled, thereby obviating the objection raised relative to this claim.

Claim 79 was amended in the previous response to replace “a call” in line 8 with “the call,” thereby obviating the objection raised relative to this claim. Applicants note that the designation of this claim in the previous response was erroneously indicated as “Previously Presented” rather than “Currently Amended.” Given that no additional amendments are introduced to the claim in this response, the designation “Previously Presented” has been retained.

#### **Rejection Pursuant to 35 U.S.C. §101**

Claim 89, which is rejected as not being directed to non-statutory subject matter, was canceled in the response filed to the previous Office Action without prejudice, thereby obviating the rejection.

#### **Rejections Pursuant to 35 U.S.C. §102**

The Office Action rejects claims 69-89 and 92 as being anticipated by U.S. Patent No. 5,884,032 of Bateman.

Claim 69, as amended, recites a system for use in establishing a communications call on at least one public network, which includes a directory database module for accessing public directory data via an Internet messaging network, including communications address data, of parties connected to at least one public network; and a call connection module for transmission of said public directory data to an interactive device of a user connected to a public network that comprises a messaging network and for accessing via said directory database module by utilizing said Internet messaging network, for said interactive device, in response to a request of said user public directory data of a B party. The directory server further includes a call completion module for receiving a message including identifying information for the user and the B party of said call from said interactive device and transmitting a connect message to a communication module of a public telephone network of said public network for establishing said call between the user and the B party, said connect message including communications address data for said B party obtained using said directory database module.

Bateman is directed to methods and systems for automatically providing a telephone connection between a customer utilizing an organization’s multimedia services to the organization’s

Automatic Call Distribution (ACD) agent. In a typical session, a customer utilizes a browser to access a web server of the organization to view HTML pages containing information regarding the organization's products and services. The customer can choose a "Live Help" option provided within a viewed HTML page to prompt a HTML form to pop up. The pop-up HTML form asks the customer for a telephone number at which the customer can be reached. Further, the URL of the page that the customer was viewing is automatically entered in the form. The customer's calling information is sent to a HOTLIST database that feeds an outbound dialing system. The agent can view the HTML page associated with the customer's URL before or while a call is automatically made to connect the agent to the customer.

Bateman does not provide a directory database module for accessing public directory data via an Internet messaging network, including communications address data of parties connected to at least one public network. The passages of Bateman to which the Examiner refers simply discuss how a typical session during which a customer sends a query to the call center is conducted with no reference to a directory database module for accessing public directory data. In particular, the HOTLIST in Bateman does not include public directory data, but rather maintains a list of customers whose queries need to be answered. Moreover, there is no indication in Bateman that the outbound dialing system utilizes an Internet messaging network to access the HOTLIST.

Accordingly, Bateman fails to anticipate the subject matter of claim 69.

Claim 70, as amended, recites a system for use in establishing a communications call on a public network, which includes a call connection module for transmission to an interactive device of a user connected to a public network that comprises an Internet messaging network and for transmitting a connection message identifying an A party and a B party from the interactive device, *where the interactive device enables the user to obtain party data for the A party and the B party from a public directory of the public network by utilizing the Internet messaging network.* The system further includes a call completion module for receiving the connection message and forwarding a connect message to a communication module of a public telephone network of the public network for establishing a call between the A party and the B party. The connection message

includes data from the public directory identifying at least the B party and the connect message includes communications address data for the A party and the B party.

Bateman does not disclose a system having a call connection module for transmission to an interactive device of a user connected to a public network that comprises an Internet messaging network, where the interactive device enables the user to obtain party data for an A party and a B party from a public directory by utilizing the Internet messaging network, and for transmitting a connection message identifying the A party and the B party, where a call completion module receives the connection message and forwards a connect message to a communication module of a public telephone network of the public network for establishing a call between the A party and the B party. In particular, the outbound dialing system in Bateman receives a customer's telephone number from the HTTP server. The customer, however, does not look up identifying information regarding the agent with whom the customer will be connected in a public directory by utilizing the Internet. Rather, the agent is selected by the call center. Further, there is no indication in Bateman that the call center utilizes the Internet to obtain the agent's identifying information in a public directory.

Nor does the second embodiment of Bateman to which the Examiner refers (col. 8, lines 66, 67, col. 9, lines 1-32) teach the above features of claim 70. In the second embodiment, the organization's call center is equipped with in-bound call processing capabilities to handle calls as they come in from customers. A customer makes a multimedia call in order to be connected to the organization's multimedia server to run a multimedia application on its set-top box/TV or PC. The customer selects a "MAKE CALL" feature from within the multimedia application, which in turn initiates a call to either an ACD group or an individual agent. The request results in a PTSN switch ringing the customer's line with a distinctive ring prompting the customer to pick up its handset. After sensing that the customer has picked up the handset, the PTSN switch dials the call center, where the ACD system distributes the call to an ACD agent workstation. When an ACD agent answers the call, the customer's URL and/or CLID (Calling Line Identification) can be utilized to look up the corresponding customer records in a database and display them to the agent on a screen.

In the above second embodiment, however, the PTSN switch calls back the customer based on the information provided by the customer itself and not based on identifying information gleaned from a public directory via the Internet. Similarly, the PTSN receives the telephone number of the call center from the call center itself.

Hence, Bateman fails to anticipate independent claim 70, and claims 71 and 72 that depend on claim 70.

Independent claim 73, as amended, recites a method of establishing a call between parties, which includes utilizing an interactive device connected to a public network comprising an Internet messaging network to allow an A party to select a B party, generating a first message in response to selection by the A party of a displayed element on the interactive device, said first message including identification of the B party, and generating a second message in response to said first message, where the second message includes a communication address of the B party determined on the basis of the identification data by accessing a public directory of said public network via said Internet messaging network and a communication address of the A party. A call is then established between the A party and the B party using a public telephone network and the communication addresses of the A party and the B party.

In rejecting claim 73, the Examiner states that Bateman teaches “utilizing an interactive device connected to a public network comprising an Internet messaging network to allow a customer [i.e., A party] to select an agent [i.e., B party] (Figure 1; Col. 6, lines 6-13, Col. 9, lines 65-67, Col. 10, lines 1-13, 31-38).” Office Action, Pages 5-6. Contrary to the Examiner’s assertion, in Bateman, a customer does not select an agent. Rather, it is the call center that selects an agent for responding to the customer’s query. Even if one assumes *arguendo* that the customer in Bateman selects a specific agent, there is no indication that the communication address of the agent is determined by accessing a public directory of a public network via an Internet messaging network.

Hence, Bateman fails to anticipate independent claim 73 and claims 74-76, 88 and 89, which depend on 73.

Claim 77 and 78 are canceled in order to expedite prosecution, thereby obviating the rejections of these claims.

Independent claim 79, as amended, recites a method of establishing call, which includes receiving a call request from a client device over an IP link that connects the client device to the Internet, where the call request includes data identifying parties for the call, and utilizing the Internet to access a public directory on a messaging network to obtain data identifying terminal of at least one of said parties. The method further calls for generating a connection message, in response to the call request, including data identifying terminals of the parties, and utilizing a public telephone network to establish said call between the terminals in response to the connection message.

In Bateman, the HTML form submitted by the customer to the organization does not include “identifying parties for the call.” More specifically, the customer does not identify the agent with whom a call should be established. Nor is there any indication in Bateman that either the customer or the agent utilizes “a public directory on a messaging network” to obtain data identifying terminal of the other party.

Hence, Bateman fails to anticipate independent claim 70 and claims 80-87 that depend on claim 79.

Independent claim 92 recites a method of establishing a call, which comprises receiving a call request from a client device over an IP link that connects the client device to the Internet, where the call request includes data identifying parties for the call, and utilizing the Internet to access a public directory on a messaging network to obtain data identifying terminal of at least one of the parties. A connection message is generated, in response to the call request, including data identifying terminals of the parties. The IP link is utilized to establish a call between the terminals in response to the connection message.

There is no indication in Bateman that the telephone call made by the call center to the customer is established on the IP link utilized by the customer to send an HTML form to the call center. On the contrary, Bateman indicates that the Internet connection is established on an

“Internet line 6” and the phone call is established by the PSTN “via a telephone line 10.” In contrast, claim 92 recites that the call is established by utilizing the IP link that connects the client device to the Internet.

Hence, Bateman fails to anticipate the subject matter of claim 92.

### **Rejections Pursuant to 35 U.S.C. 103**

#### **Rejections Over Sussman In View of Cohn**

The Office Action rejects claims 40, 41, 42/40, 42/41, 43, 46, 47/40, 47/41, 47/45, 47/46, 48, 58, 59/56, 59/57, 60, 61, 62/60, 63, 64/60, 64/61, 65/60, 66/61, 67/60, 67/61, 68, 88/40, 88/41, 88/45, 88/46, 89/40, 89/41, 89/45, 89/46, and 90 are rejected as being unpatentable over U.S. Patent No. 5,483,586 of Sussman in view of U.S. Patent No. 6,064,723 of Cohn.

Claim 40, as amended, recites a method of establishing a communications call, which comprises enabling an A party to select a B party from a database using an interactive device connected to a public network, where the public network comprises an Internet messaging network. The Internet messaging network is utilized to send a message including identifying information of the B party to said public directory of the public network to access called address data for the B party from a public directory of the public network in response to selecting the B party. The called address data of the B party and the calling address data for the A party are sent to a connection module of a public telephone network of the public network, and a call is established between the A party and the B party over the public network using the connection module and the called and calling address data.

Sussman discloses a method whereby directories are downloaded from a central database and are saved to a subscriber's *local* device. The subscriber then searches the *locally* saved directories for another party's name, number, and other information. Once the other party's information is found within the locally saved directory, the subscriber can direct the local device to call the other party. In Sussman, the service provider employs a conventional common carrier telecommunications network (CCTSN) to transmit updated directories to the subscriber.

Cohn discloses a network-based communications system that employs a plurality of network hubs to “integrate and interconnect disparate sources and technologies of communication traffic and to translate messages between them.” col. 8, lines 2-4. The hubs “operate as protocol translation facilities” to provide communication between “large number of disparate communications systems employing different protocols.” col. 9, lines 11-12.

As an initial matter, there would no reason for Sussman to look into the teachings of Cohn to utilize an Internet messaging network. In particular, there is no indication that Sussman employs database systems supported by different communications protocols and managed by disparate entities. On the contrary, Sussman indicates that “a central directory service provider” maintains the local on-line telephone directory database. *See Abstract.*

Nonetheless, the Examiner states that “[T]he motivation for the modification is to have [sic] doing so in order to access subscriber address using internet at a cheaper rate.” The Examiner, however, provides no factual basis for his assertion that the use of the internet would have resulted in cheaper rates in mid-1990’s (the effective filing date of Applicant’s application is 1996).

Moreover, even if one were to replace the common carrier telecommunications network of Sussman with an Internet messaging network, such as that disclosed in Cohn, one still would not arrive at the claimed method. In particular, in Sussman, the user searches the *downloaded local* directory data for a party’s telephone number, rather than accessing the central database. In other words, in Sussman, in response to each user’s search query, the service provider’s central directory is not accessed. Rather, a search of the *downloaded directory data* is performed. In contrast, claim 40 recites that in response to the selection of the B party, the Internet messaging network is utilized to access the called address data for the B party. As such, the claimed method provides a number of advantages. For example, it obviates the need to store a large quantity of data on the user’s side, eliminates the need for tedious downloads to each user and allows access to real-time (most current) address data.



Hence, claim 40 distinguishes patentably over the cited art. Similar reasoning applies to establish that independent claims 41, 45, 46, 56, 57 and 90, and claims that depend on these independent claims, are also patentable over the cited art.

**Rejections Over Padden in view of Cohn**

Claims 40, 41, 45, 46, 56, 57, and 61 are rejected over U.S. Patent No. 4,979,206 of Padden *et al.* in view of Cohn *et al.*

Padden discloses a system in which “a call for directory assistance is processed in response to voice frequency instructions from the caller without operator intervention.” The Padden system includes a telecommunications switch 1 having voice and/or data switching network 12 that can receive voice or keyed tone signals from a customer. The switch includes a voice processing unit (VPU) that utilizes speech recognition techniques to generate data corresponding to the received voice or keyed tone signals. A directory assistance system computer (DAS/C) employs these data to search for a telephone or directory number listing. More specifically, the DAS/C computer includes “an extensive database 57 and is used for making the searches of that database to locate requested directory listings.” col. 3, lines 39-41. If the desired directory listing is found, it is reported to audio response unit 60 for announcement to the customer.

As noted above, Cohn discloses a network based communications system that employs a plurality of network hubs to “integrate and interconnect disparate sources and technologies of communication traffic and to translate messages between them.” col. 8, lines 2-4. The hubs “operate as protocol translation facilities” to provide communication between “large number of disparate communications systems employing different protocols.” col. 9, lines 11-12.

Padden would have no reason to look into the teachings of Cohn to utilize an Internet messaging network in its system. In particular, there is no indication that Padden employs disparate systems for accessing the database with different protocols. Nor is there any indication that Padden employs a plurality of databases distributed across multiple systems supported by different

communication protocols. On the contrary, Padden employs the database supported by the DAS/C computer.

The Examiner, however, appears to indicate that Padden would be motivated to utilize an Internet messaging network “in order to download subscribers lists to a user device such that the user can browse through the lists.” In Padden, a user is simply looking for a particular directory listing, and not for a potentially time-consuming download of list of subscribers.

Moreover, even if one were to combine Padden with Cohn one still would not arrive at the claimed subject matter. In Padden, the customer does not select a party for whom director data is desired from a database using an interactive device. In contrast, claims 40, 41, 45, and 46 recite “enabling an A party to select a B party from a database using an interactive device,” and claim 56 and 57 recite “code allowing an A party to select a B party from said B party data.”

Hence, claims 40, 41, 45, 46, 56, and 57 distinguish patentably over Padden in view of Cohn.

**Rejections Over Padden in view of Cohn and further in view of Sussman**

Claims 50, 51 and 60 are rejected as being unpatentable over Padden in view of Cohn and further in view of Sussman.

Claims 50 and 51 are canceled to expedite prosecution, thereby obviating the rejections of these claims.

Claim 60 recites a system for use in establishing a communications call, which includes a public directory accessible via an Internet messaging network including called address data for parties connected to at least one public network, and access module for transmitting via the Internet messaging network called address data of at least a B party accessed from the public directory for display on an interactive device to an A party in response to a request received from said interactive device, and for utilizing the messaging network to receive from the interactive device a request from

the A party to establish a call with the B party. The system further includes a controller for receiving called address data for the selected B party, and calling address data corresponding to the A party and generating, in response thereto, network control signals to cause a public telephone network of the at least one public network to establish a call between the A party and the B party over the network.

The Examiner alleges that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Padden in view of Cohn to display at least one B party from a database to an A party as taught by Sussman.” *Office Action*, Page 16.

In response, Applicants note that there is no indication in Padden that the user’s calling terminal includes a display that could be utilized to display a B party to the user (e.g., the name of a party whose directory listing the user desires). Even if the user’s calling terminal included such a display, the directory service would not have any information about the B party until the user provides the name, or other information, of such a party to the directory service. Once the directory service has this information it would be superfluous to display the information just received from the user back to the user so that the user could select the B party to obtain its directory listing!

Moreover, as discussed in detail above, there would be no reason to incorporate the teachings of Cohn into Padden or Sussman.

Hence, independent claim 60 is believed to be patentable over the cited art.

### **Rejection of Claim 91**

Claim 91 is rejected as being unpatentable over Sussman in view of Cohn and further in view of Bateman.

Claim 91 depends on claim 90, and further recites that the interactive device executes an Internet phone application to establish said call. The specification recites that “[T]he interactive device 16 executes an Internet phone application which allows the user to use an existing Internet

access session on a telecommunications line from the device 16 to establish a phone connection *on the same line.*” [Emphasis Added] col. 10, lines 2-6.

The Examiner asserts that “Sussman in view of Cohn does not specifically teach that said interactive device executes an Internet Phone application to establish said call” but that “Batman teaches that said interactive device executes an Internet phone application to establish said call (Figure 1; Col. 6, lines 32-41, Col. 7, lines 5-13, Col. 9, lines 65-67, Col. 10, lines 1-13).” Office Action, Page 17.

There is no indication in the above passages or in any other portion of Batman that the calling center employs an Internet phone application to establish a phone call to the customer. More specifically, there is no indication that the call center in Bateman employs the same telecommunications line as the one on which the Internet connection between customer and the calling center is established to place a phone call to the customer. On the contrary, Bateman indicates that the Internet connection is established on an “Internet line 6” and the phone call is established by the PSTN “via a telephone line 10.”

### **Conclusion**

In view of the above amendments and remarks, Applicants respectfully request reconsideration and allowance of the application. Applicants invite the Examiner to call the undersigned if there are any remaining issues.

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Respectfully submitted,

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